

RAMO BALCINOVIC, )  
 )  
 Plaintiff, )  
 )  
 vs. ) Case No. 4:07CV01330 SNL (AGF)  
 )  
 MICHAEL J. ASTRUE, )  
 Commissioner of Social Security, )  
 )  
 Defendant. )

Currently before the Court is Defendant's motion to reverse and remand this Social Security disability case pursuant to sentence four of 42 U.S.C. § 405(g). This action was referred to the undersigned United States Magistrate Judge under 28 U.S.C. § 636(b) for recommended disposition.

Following a hearing on Plaintiff's application for disability benefits, an Administrative Law Judge ("ALJ") found that Plaintiff was not disabled. The decision of the ALJ became the final decision of the Commissioner of Social Security, and Plaintiff sought judicial review of the adverse ruling.

The Commissioner now states that agency counsel asked the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision, and that upon review the Appeals Council determined that remand was appropriate for further consideration of Plaintiff's claims. The Commissioner asserts that upon remand by the

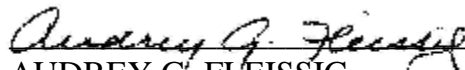
Court, the Appeals Council will remand the case to the ALJ with directions to give further consideration to Plaintiff's mental impairments in a manner consistent with the Commissioner's regulations. Plaintiff's counsel has represented to the Court that Plaintiff has no objection to the Commissioner's motion to reverse and remand.

Sentence four of 42 U.S.C. § 405(g) provides that upon judicial review, "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Court concludes that the Commissioner's motion should be granted in this case.

Accordingly,

**IT IS HEREBY RECOMMENDED** that Defendant's motion to reverse and remand the case pursuant to sentence four of 42 U.S.C. § 405(g) be **GRANTED**. [Doc. #7]

The parties are advised they have ten (10) days to file written objections to this Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained.

  
AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated this 10th day of October, 2007.